

* * * Syl-Vette * * * Supplies all of the essential salts and vitamins necessary to sustain the normal average strength of the patient without detriment."

On September 20, and November 3, 1933, Syl-Vette, Inc., Wheeling, W. Va., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond conditioned that it be relabeled in a manner approved by this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21747. Adulteration and misbranding of coffee and chicory, and coffee and cereal. U. S. v. 100 Pounds of Coffee. Default decree of condemnation and forfeiture. Product delivered to a charitable organization. (F. & D. no. 31213. Sample nos. 49082-A, 49084-A.)

One of the products involved in this case was represented to be coffee and chicory, but it was found to consist of coffee and cereal (rye), with no appreciable amount of chicory present. The other lot was represented to be coffee and cereal, but was found to consist of coffee and rye cereal, with about 5 percent of added chicory.

On October 9, 1933, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 pounds of alleged coffee and chicory, and coffee and cereal at Nashville, Ga., alleging that the articles had been shipped in interstate commerce on or about September 5, 1933, by W. S. Quinby Co., from Jacksonville, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the alleged coffee and chicory was in a bag stenciled: "Winner Coffee & Chicory Queens Cup", and the remainder was in 1-pound bags labeled: "Queen's Cup Coffee & Chicory." The alleged coffee and cereal was contained in a bag stenciled: "Twin Six Coffee & Cereal."

It was alleged in the libel that the articles were adulterated in that coffee and cereal (rye) with only a trace of chicory had been substituted for coffee and chicory, and in that coffee and cereal with added chicory had been substituted for coffee and cereal.

Misbranding was alleged for the reason that the statements, "Coffee & Chicory" and "Coffee & Cereal", stenciled or printed on the sacks and bags, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were sold under the distinctive names of other articles.

On November 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be delivered to a charitable organization, since the adulteration was not of such a nature as to make the articles injurious to health.

M. L. WILSON, *Acting Secretary of Agriculture.*

21748. Misbranding of wheat middlings. U. S. v. The Warwick Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 30125. I.S. nos. 18571, 18572.)

This case was based on interstate shipments of a product which was represented to be wheat middlings, but which was found to consist in part of screenings or scourings, or both screenings and scourings.

On June 20, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Warwick Co., a corporation, trading at Massillon, Ohio, alleging shipment by said company in violation of the Food and Drugs Act on or about March 30, and April 5, 1932, from the State of Ohio into the State of Maryland, of quantities of alleged wheat middlings that were misbranded. The article was labeled in part: (Tag) "Wheat Middlings * * * The Warwick Co. Massillon Ohio."

It was alleged in the information that the article was misbranded in that the statement, "Wheat Middlings", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article did not consist wholly of wheat middlings but did consist in part of screenings and/or scourings.

On November 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21749. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31308. Sample no. 55778-A.)

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 percent of milk fat, the standard for butter established by Congress.

On October 4, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 26, 1933, by James L. Humphrey, Jr., from Humeston, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On October 2, 1933, Hunter, Walton & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21750. Adulteration and misbranding of coffee. U. S. v. 4 Drums of Coffee. No claim entered. Verdict for the Government. Decree of condemnation containing provision for delivery of product to a charitable organization. (F. & D. no. 31261. Sample no. 35383-A.)

This case involved a product which was represented to be coffee but which was found to contain approximately 25 percent of cereal and a small amount of chicory.

On October 21, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four drums of coffee at West Monroe, La., alleging that the article had been shipped in interstate commerce on or about September 13, 1933, by the Interstate Coffee Co., from Natchez, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Special Rio A 1 Roasted and Packed by Interstate Coffee Co., Natchez, Mississippi."

It was alleged in the libel that the article was adulterated in that coffee, cereal, and chicory had been substituted for coffee, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Special Rio A One" and "Interstate Coffee Co.", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, since it was invoiced as "Special Rio Medium Dark Roast", which implied that the article was coffee.

On November 17, 1933, no claimant having appeared for the property, and a jury having found that the allegations of the libel were true and correct, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to a charitable organization.

M. L. WILSON, *Acting Secretary of Agriculture.*

21751. Adulteration and misbranding of butter. U. S. v. Harry A. Ernster and Raymond J. Ernster (Ernster Bros.). Plea of guilty. Fine, \$25. (F. & D. no. 27495. I.S. no. 25168.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the dis-